

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT D. MARLOW,)	
)	
Plaintiff,)	
vs.)	NO. CIV-10-0662-HE
)	
JOHN DOE and TOBEY TERRY,)	
)	
Defendants.)	

ORDER


Plaintiff Robert D. Marlow, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action alleging claims under 42 U.S.C. §§ 1985 and 1988. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Bana Roberts, who has recommended that the plaintiff's federal claims be dismissed with prejudice pursuant to 28 U.S.C. §§1915(e)(2)(B)(ii), that the court decline to exercise supplemental jurisdiction over any state law claims asserted, and that the dismissal count as one strike pursuant to 28 U.S.C. § 1915(g).

The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation. Plaintiff's federal claims are dismissed with prejudice. 28 U.S.C. §1915(e)(2)(B)(ii). The court declines to exercise supplemental jurisdiction over any state law claims which may be alleged and dismisses them without prejudice. After the plaintiff has exhausted or waived his right to appeal, the dismissal will count as a "prior occasion."

42 U.S.C. §1915(g).

IT IS SO ORDERED.

Dated this 7th day of October, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE